



TOWN OF MERRIMAC
CONSERVATION COMMISSION
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Conservation Commission Meeting Minutes

Wednesday, December 21, 2022

Merrimac Public Library – Library Meeting Room

Members Present: Jon Pearson, Chair; Jerome Mathieu, Vice Chair; Greg MacLean; Greg Hochmuth; Alternate Commissioner Charlie Covahey; Alternate Commissioner Alejandra Chandler participating by phone (called in at 7:04 PM); and Michelle Greene, Conservation Agent

The meeting was called to order at approximately 7:00 PM.

Public Hearing: Notice of Intent (under Wetlands Protection Act only) (continued): 0 West Main Street, Map 49-1 Lot 7 (across from Kenoza Vending), The Flats @ Merrimac Square, Applicant: Ray Cormier – AA @ Merrimac Square LLC, Re: Construction of a main access road, secondary access road, grading and infrastructure including underground utilities, parking areas, apartment building, and installation of stormwater management features, DEP# 045-0315

The applicant requested a continuance to the Commission's January 24, 2023 meeting

Mr. Hochmuth motioned to continue the public hearing to January 24, 2023, Mr. MacLean seconded the motion and the motion passed unanimously.

Discussion (continued): Review and draft recommendations to the ZBA for the waivers requested from the local wetlands protection bylaw and regulations by Ray Cormier – AA @ Merrimac Square LLC for the Comprehensive Permit Application for the construction of 0 West Main Street, Map 49-1 Lot 7 (across from Kenoza Vending), The Flats @ Merrimac Square

Mr. MacLean recused himself from the discussion.

The Commission reviewed the draft recommendations and letter Ms. Greene prepared on the Commission's behalf in response to the applicant's requested waivers from the local wetlands bylaw and regulations.

Mr. Hochmuth motioned to recommend the recommendations be finalized and sent to the ZBA, Mr. Mathieu seconded the motion. The motion passed 5-0-1 with alternate members Mr. Covahey & Ms. Chandler acting as members for quorum for the vote and Mr. MacLean abstaining.

Discussion: National Grid 2023 yearly operation plan (YOP) for Merrimac

The Commission discussed National Grid's 2023 yearly operation plan which includes mechanical and chemical methods for vegetation management within the utility right of ways throughout town. Although the work is exempt from a filing under the Wetlands Protection Act, the Commission raised questions regarding how invasive plant material and equipment will be managed to prevent introducing new invasive plant populations and what precautions will be taken when working in sensitive areas like the wetlands near where the utility lines cross the Merrimack River. Ms. Greene advised the West Newbury Conservation Commission had similar concerns to the proposed plan. The Commission instructed Ms. Greene to draft a letter to National Grid seeking more information about this.

Discussion: Open Space Committee legal research on protecting the Town Forest through a conservation restriction

Ms. Greene shared information received from the Open Space Committee who has engaged with KP Law to look into placing the Town Forest Land under a Conservation Restriction (CR). The Commission agreed they looked favorably on this as it would better protect the land allowing the Town to create rules and restrictions for what can be done on the land. Ms. Greene advised that with the recent passing of the Public Lands Preservation Act (PLPA) if the Town Forest was placed under a CR it would receive protections to ensure it could not be developed for municipal uses in the future. The Commission questioned who would hold the CR and what would the responsibilities be. Ms. Greene advised she believes the Commission would likely hold the CR but may be able to hold it in connection with a land trust such as Essex County Greenbelt. Ms. Greene will send this question to the OSC to see if they can ask KP to advise.

Discussion: FY24 Conservation Commission budget

Ms. Greene discussed the letter recently received from the West Newbury Select Board in which they advise Merrimac that they will not be reentering the Intermunicipal Agreement (IMA) for shared conservation agent services in FY24 which means Merrimac will need to hire their own agent come July 1, 2023 as Ms. Greene will begin working in West Newbury fulltime at that point. Ms. Greene shared a draft budget which proposes hiring a conservation agent for 25 hours a week in FY24. Ms. Greene and the Commission discussed why this is necessary including the volume of work that currently gets done and the additional work that should be getting done but is not including Harbor Master duties, routine construction site monitoring, and monitoring land owned by the Commission and held with CRs by the Commission. The Commission also discussed that it is unlikely they will be able to recruit and hire an experienced agent for only 12.5 hours per week, which is what Ms. Greene currently works. The Commission agreed to submit the budget as proposed with a 25 hour a week agent.

Other Business:

Ms. Greene advised that she had been made aware of potential tree clearing and the breaching of a beaver dam at a parcel off Hadley Road, Parcel 80-1-1. The property is mapped as priority habitat of rare and endangered species, the East Meadow River runs through the property, and it appears that wetlands also exist on the property. Ms. Greene attempted to view the clearing from the abutting land owned by the City of Haverhill and could see what appeared to be fresh tree stumps however, as they were so far away, she was unable to capture this in pictures. The Commission agreed that a violation letter should be drafted and sent to the property owner

indicating what has been alleged and observed and requesting the property owner to come before the Commission to discuss this matter further.

Old Business:

None

Informal Discussion:

None

Community Input:

None

Approval of Minutes: November 22, 2022

Deferred

Correspondence:

None

DEP Comments:

None

Next Meeting: Tuesday, January 24, 2023

Adjourn

Mr. MacLean moved to adjourn the meeting and Mr. Hochmuth seconded the motion. The motion passed unanimously and the meeting was adjourned at 8:13 PM.